

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LARRY E. LAWTON, )  
Petitioner, )  
-vs- ) Case No. CIV-14-1393-F  
ROBERT PATTON, Director, )  
Respondent. )

## ORDER

Petitioner, a state prisoner appearing *pro se*, seeks habeas relief in this action under 28 U.S.C. § 2254. Magistrate Judge Gary M. Purcell entered a Supplemental Report and Recommendation (Supplemental Report, doc. no. 24), recommending that petitioner's request to voluntarily dismiss the unexhausted issues raised in grounds eleven through thirteen of the petition (designated Ground Twelve, Ground Thirteen and Ground Fourteen) be granted, and that those claims be dismissed without prejudice; and further recommending that respondent's motion to dismiss, doc. no. 19, which argued that state court remedies concerning all grounds for relief were not exhausted prior to the filing of the petition, then be denied as moot.

The Supplemental Report advised the parties of their right to file an objection to the recommendations contained in the Supplemental Report by May 12, 2015. The Supplemental Report further advised that failure to timely object waives the right to appellate review of the recommended ruling. No objection has been filed, and no request for an extension of time within which to object has been filed.

With no objection having been filed, after review, and having concluded that no purpose would be served by any further analysis here, the court **ACCEPTS**,

**ADOPTS, and AFFIRMS** the Supplemental Report and Recommendation of the magistrate judge. Petitioner's request to voluntarily dismiss the unexhausted issues raised in grounds eleven through thirteen of the petition (designated Ground Twelve, Ground Thirteen and Ground Fourteen) is **GRANTED**, and those claims are hereby **DISMISSED** without prejudice; and respondent's motion to dismiss, doc. no. 19, which argued that state court remedies concerning all grounds for relief were not exhausted prior to the filing of the petition, is **DENIED** as moot. The Supplemental Report and this Order partially dispose of the issues referred to the magistrate judge. This action remains referred.

Dated this 27<sup>th</sup> day of May, 2015.



STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

14-1393p002.wpd